

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Joby L. Gossett.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Joby L. Gossett*, Agency Case No. 10-03 and Administrative Action No. 10-EBEC-0093;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on March 19, 2010, the Commission alleged facts in an Initiating Order that Joby L. Gossett violated the Executive Branch Code of Ethics at KRS 11A.020(1)(a) and (d);

WHEREAS, Joby L. Gossett was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9), and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, Joby L. Gossett indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Joby L. Gossett agree, pursuant to KRS 11A.100, as follows:

1. Joby L. Gossett admits that he committed violations of the Executive Branch Code of Ethics at KRS 11A.020(1)(a) and (d) as stated in Appendix A of the Commission's Initiating Order of March 19, 2010, attached hereto and incorporated by reference herein.

2. Joby L. Gossett agrees to pay the Commission a civil penalty of one thousand two hundred and fifty dollars (\$1,250.00) on or before May 6, 2011.

3. Joby L. Gossett agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

4. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Joby L. Gossett*, Agency Case No. 10-03 and Administrative Action No. 10-EBEC-0093.

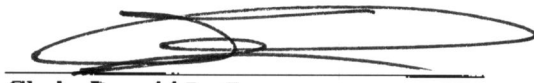
5. This Settlement Agreement constitutes a public reprimand to Joby L. Gossett, a copy of which will be provided to his former appointing authority pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:


Joby L. Gossett

04/21/11
Date

EXECUTIVE BRANCH ETHICS COMMISSION:


Chair, Ronald L. Green


5/9/11
Date

Angela L. Edwards
Vice-Chair, Angela Edwards

5/9/11
Date


Member, W. David Denton

5/9/11
Date


Member, William L. Knopf

5-9-11
Date

William G. Francis
Member, William G. Francis

5-9-11
Date

**APPENDIX A
CASE NO. 10-003
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Joby L. Gossett, was at all times relevant an employee of the Commonwealth of Kentucky, serving as a conservation officer with the Department of Fish and Wildlife Resources. The Respondent was subject to the jurisdiction of the Commission at all relevant times. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Joby L. Gossett committed the following violations:

COUNT I

That Gossett used or attempted to use his influence and official position to obtain three sets of antlers (caribou, red stag, and fallow deer) from John Jennings and Jim Morrison for the personal benefit of himself or his wife. His actions in this matter involved a substantial conflict between his personal or private interest in the antlers and his duties in the public interest relating thereto, and were in derogation of the public interest at large. These facts constitute a violation of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

...

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT II

That Gossett used his influence and official position to attempt to pressure Ricky Wetherford in regard to a 34 point deer rack he had found, by trying to obtain the rack directly from Wetherford, then by trying to convince Wetherford to take the rack to a specific taxidermist, a business regulated by the agency for which Gossett works. His actions in this matter involved a substantial conflict between his personal or private interest in the rack and his duties in the public interest relating thereto, and his endorsement of the taxidermist in question was an attempt to secure or create an advantage for himself or that regulated business in derogation of the public interest at large. These facts constitute a violation of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

...

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

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